

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

The claims have not been amended and are presented as a courtesy to the Examiner.

Claims 3 and 4 were previously canceled without prejudice or disclaimer of the subject matter therein.

Claims 1, 2, and 5-18 are pending.

II. Rejections under 35 U.S.C. § 103

Claims 1, 5-7, and 8-11 are rejected under 35 U.S.C § 103(a) as being unpatentable over one of U.S. Patent No. 6,309,738 to Sakurai, Japanese Application No. JP 11-61380 to Kobe Steel, or Japanese Application No. JP 07-097679 to Sumitomo Electric in view of U.S. Patent Publication No. 2005/0129986 to Sata et al. (“Sata”). Claims 2 and 12-18 are rejected under 35 U.S.C. § 103(a) as obvious over Japanese Application No. JP 11-310867 to Mitsubishi Materials in view of Japanese Application No. JP 09-323205 to Hitachi Tool and further in view of Sata. Applicants respectfully traverse the rejection.

With respect to claims 1, 2 and 5-18, Applicants submit that Sata is not prior art to this application. Sata has a common assignees with the instant application. Based upon the earlier effective U.S. filing date of the reference, Sata constitutes prior art only under 35 U.S.C. § 102(e). For applications filed on or after November 29, 1999, this rejection under 35 U.S.C. § 103(a) can be overcome by showing that the subject matter of the reference and the claimed invention were, at the

time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. *See*, MPEP § 706.02(1)(1) and § 706.02(1)(2).

With respect to Sata, Applicants respectfully assert that the subject matter of Sata and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same person. As evidence of this, Applicants have enclosed the recorded assignment of the present application (as Exhibit A), as well as the recorded assignment of Sata (as Exhibit B). Both Sata and the present application were jointly owned by Mitsubishi Materials Corporation and Mitsubishi Materials Kobe Tools Corporation at the time of the invention. Therefore, Sata does not qualify as prior art. Further, Sakurai, Kobe Steel, Sumitomo Electric, Mitsubishi Materials, and Hitachi Tool do not, alone or in combination, teach or suggest all of the elements of claims 1, 2 and 5-18. Thus, Applicants request that the rejections to claims 1, 2 and 5-18 be withdrawn.

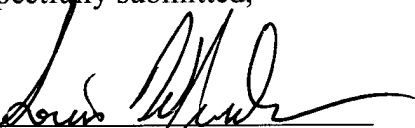
CONCLUSION

In view of the above amendments, Applicants believe the pending application is in condition for allowance. In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

By 

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